

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRAVIS HARDEN,

Plaintiff,

Case No. 1:09-cv-1025

v

HON. JANET T. NEFF

DAVAID GENDERNALIK, M.D., et  
al.,

Defendants.

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**JUDGMENT**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendant's motion and enter judgment for Defendant. The Report and Recommendation was duly served on the parties. No objections have been filed, see 28 U.S.C. § 636(b)(1), and the Court issues this Judgment pursuant to FED. R. CIV. P. 58.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation (Dkt 44) is APPROVED and ADOPTED as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Gendernalik and Westbrook's Motion for Summary Judgment due to Lack of Exhaustion (Dkt 25) is GRANTED and Judgment is entered against Plaintiff and in favor of Defendants.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

Date: November 22, 2010

/s/Janet T. Neff  
JANET T. NEFF  
United States District Judge